THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4874 OF 2007

DATED: 09-04-2007

BETWEEN

Cherukuri Laxmi Tulasi,
W/o. Vasu Babu,
R/o. Chadaluru,
J. Panguluru Mandal,
Prakasam District.

...PETITIONER

AND

The Superintendent of Police,
Ongole, Prakasam District and
others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in not taking any action on the complaint given by her on 16.12.2006 and also on the statement recorded by the police at Addanki on 22.12.2006 as illegal and arbitrary and to direct the respondents to take immediate action on the aforesaid complaint and the statement.

2. Counter has been filed stating that on the complaint lodged by the petitioner a case in Cr.No.65 of 2006 was registered on 22.12.2006 for the offence under Section 324 read with 34 of the Indian Penal Code, 1860 by the fourth respondent and investigation has been completed. In fact, the investigation disclosed that civil disputes are pending, between the petitioner and the alleged accused, in O.S.No.55 of 2006 on the file of the Senior Civil Judge, Addanki and insofar the said crime is concerned no evidence is

established that the alleged accused – respondents 5 to 10 committed the said offence. Hence, permission is obtained from the Sub Divisional Police Officer, Chirala to refer the complaint of the petitioner as false on 01.03.2007 and final report is yet to be filed before the concerned Court.

3. In view of the aforesaid facts and circumstances, I am of the opinion that it is for the concerned Magistrate to take appropriate action to proceed with the final report in accordance with Section 159 of the Code of Criminal Procedure, 1973. However, it is also open for the petitioner either to file a protest application or take appropriate action by way of filing private complaint under Section 200 read with 190 Cr.P.C.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

April 9, 2007
DSK